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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/439,427

Applicant(s)
Apps et al

Examiner
Janet Wilkens

Group Art Unit
3636



☒ Responsive to communication(s) filed on Nov 15, 1999, Mar 5, 2000 & Mar 20, 2000.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 22-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 22-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5 and 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3636.

Specification

The disclosure is objected to because of the following informalities: in the first sentence of page 1, line 1, the parent information needs to be updated to include the patent number thereof. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and claims, as originally filed, do not disclose that the inner/top surface of the second/lower deck can be scuffed.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 23, 26, 29-31, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pigott et al (5,197,395) in view of Wyler et al and Fingerson. Pigott teaches a plastic pallet (Fig. 1) having upper and lower decks (12) and a plurality of supports (14) therebetween. The upper and lower decks are separately molded and are attached to each other via the supports. Spaces between the supports define fork-receiving regions. For claims 22, 23, 26, 29-31, 34 and 35, Pigott fails to teach that the top surface of the upper deck, the bottom surface of the upper deck (in the fork-receiving regions), and the bottom surface of the lower deck are scuffed to create slip-resistant surfaces. First, Wyler teaches the benefits of having slip-resistant/anti-skid surfaces on the top surface of the upper deck (to inhibit movement of the payload disposed on the pallet; see column 1, lines 64-67), on the bottom surface of the upper deck (to prevent slippage of the pallet when it is being moved; see column 2, lines 45-47), and on the bottom surface of the lower deck (to ensure non-slip contact with a floor or racking structure; see column 2, lines 26-28). Second, Fingerson teaches the concept of roughening/scuffing a surface in order to make it into an anti-skid surface (see column 6, lines 5-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pallet of Pigott

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by roughening/scuffing the top surface of the upper deck, the bottom surface of the upper deck, and the bottom surface of the lower deck thereof, because of the advantages taught by Wyler. Furthermore, scuffing the pallet surfaces, such as is taught by Fingerson, is an easy and non-expensive way to provide anti-skid surfaces on the pallet of Pigott.

Claims 24, 25, 27, 28, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pigott et al (5,197,395) in view of Wyler et al and Fingerson as applied to claims 22, 23, 26, 29-31, 34 and 35 above, and further in view of Sturgis. As stated above, Pigott in view of Wyler and Fingerson teaches the specifications of claims 22, 26 and 31 above, including a pallet with various scuffed surfaces. For claims 24, 25, 28, 32 and 33, Pigott in view of Wyler and Fingerson fails to teach a means for scuffing the surfaces. Sturgis teach a cup-shaped abrading brush with wire tufts (see Fig. 1). This type of brush would be more than capable of scuffing the plastic surfaces of a pallet, as desired/needed, and therefore, it would have been obvious to use such a brush to scuff the surfaces of the pallet of Pigott in view of Wyler and Fingerson.

Prior Art


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leventhal teaches a cup-shaped brush.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Wilkens whose telephone number is (703) 308-2204.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Wilkens
April 4, 2000


JANET M. WILKENS
PRIMARY EXAMINER
A 76 73636